

ESSB 5535 - H COMM AMD  
By Committee on Health Care

ADOPTED 03/02/2006

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 18.53.010 and 2003 c 142 s 1 are each amended to read  
4 as follows:

5 (1) The practice of optometry is defined as the examination of the  
6 human eye, the examination and ascertaining any defects of the human  
7 vision system and the analysis of the process of vision. The practice  
8 of optometry may include, but not necessarily be limited to, the  
9 following:

10 (a) The employment of any objective or subjective means or method,  
11 including the use of drugs, for diagnostic and therapeutic purposes by  
12 those licensed under this chapter and who meet the requirements of  
13 subsections (2) and (3) of this section, and the use of any diagnostic  
14 instruments or devices for the examination or analysis of the human  
15 vision system, the measurement of the powers or range of human vision,  
16 or the determination of the refractive powers of the human eye or its  
17 functions in general; and

18 (b) The prescription and fitting of lenses, prisms, therapeutic or  
19 refractive contact lenses and the adaption or adjustment of frames and  
20 lenses used in connection therewith; and

21 (c) The prescription and provision of visual therapy, therapeutic  
22 aids, and other optical devices; and

23 (d) The ascertainment of the perceptive, neural, muscular, or  
24 pathological condition of the visual system; and

25 (e) The adaptation of prosthetic eyes.

26 (2)(a) Those persons using topical drugs for diagnostic purposes in  
27 the practice of optometry shall have a minimum of sixty hours of  
28 didactic and clinical instruction in general and ocular pharmacology as  
29 applied to optometry, as established by the board, and certification  
30 from an institution of higher learning, accredited by those agencies

1 recognized by the United States office of education or the council on  
2 postsecondary accreditation to qualify for certification by the  
3 optometry board of Washington to use drugs for diagnostic purposes.

4 (b) Those persons using or prescribing topical drugs for  
5 therapeutic purposes in the practice of optometry must be certified  
6 under (a) of this subsection, and must have an additional minimum of  
7 seventy-five hours of didactic and clinical instruction as established  
8 by the board, and certification from an institution of higher learning,  
9 accredited by those agencies recognized by the United States office of  
10 education or the council on postsecondary accreditation to qualify for  
11 certification by the optometry board of Washington to use drugs for  
12 therapeutic purposes.

13 (c) Those persons using or prescribing drugs administered orally  
14 for diagnostic or therapeutic purposes in the practice of optometry  
15 shall be certified under (b) of this subsection, and shall have an  
16 additional minimum of sixteen hours of didactic and eight hours of  
17 supervised clinical instruction as established by the board, and  
18 certification from an institution of higher learning, accredited by  
19 those agencies recognized by the United States office of education or  
20 the council on postsecondary accreditation to qualify for certification  
21 by the optometry board of Washington to administer, dispense, or  
22 prescribe oral drugs for diagnostic or therapeutic purposes.

23 (d) Those persons administering epinephrine by injection for  
24 treatment of anaphylactic shock in the practice of optometry must be  
25 certified under (b) of this subsection and must have an additional  
26 minimum of four hours of didactic and supervised clinical instruction,  
27 as established by the board, and certification from an institution of  
28 higher learning, accredited by those agencies recognized by the United  
29 States office of education or the council on postsecondary  
30 accreditation to qualify for certification by the optometry board to  
31 administer epinephrine by injection.

32 (e) Such course or courses shall be the fiscal responsibility of  
33 the participating and attending optometrist.

34 (f)(i) All persons receiving their initial license under this  
35 chapter on or after January 1, 2007, must be certified under (a), (b),  
36 (c), and (d) of this subsection.

37 (ii) All persons licensed under this chapter on or after January 1,  
38 2009, must be certified under (a) and (b) of this subsection.

1       (iii) All persons licensed under this chapter on or after January  
2 1, 2011, must be certified under (a), (b), (c), and (d) of this  
3 subsection.

4       (3) The board shall establish a list of topical drugs for  
5 diagnostic and treatment purposes limited to the practice of optometry,  
6 and no person licensed pursuant to this chapter shall prescribe,  
7 dispense, purchase, possess, or administer drugs except as authorized  
8 and to the extent permitted by the board.

9       (4) The board must establish a list of oral Schedule III through V  
10 controlled substances and any oral legend drugs, with the approval of  
11 and after consultation with the board of pharmacy. No person licensed  
12 under this chapter may use, prescribe, dispense, purchase, possess, or  
13 administer these drugs except as authorized and to the extent permitted  
14 by the board. No optometrist may use, prescribe, dispense, or  
15 administer oral corticosteroids.

16       (a) The board, with the approval of and in consultation with the  
17 board of pharmacy, must establish, by rule, specific guidelines for the  
18 prescription and administration of drugs by optometrists, so that  
19 licensed optometrists and persons filling their prescriptions have a  
20 clear understanding of which drugs and which dosages or forms are  
21 included in the authority granted by this section.

22       (b) An optometrist may not:

23       (i) Prescribe, dispense, or administer a controlled substance for  
24 more than seven days in treating a particular patient for a single  
25 trauma, episode, or condition or for pain associated with or related to  
26 the trauma, episode, or condition; or

27       (ii) Prescribe an oral drug within ninety days following ophthalmic  
28 surgery unless the optometrist consults with the treating  
29 ophthalmologist.

30       (c) If treatment exceeding the limitation in (b)(i) of this  
31 subsection is indicated, the patient must be referred to a physician  
32 licensed under chapter 18.71 RCW.

33       (d) The prescription or administration of drugs as authorized in  
34 this section is specifically limited to those drugs appropriate to  
35 treatment of diseases or conditions of the human eye and the adnexa  
36 that are within the scope of practice of optometry. The prescription  
37 or administration of drugs for any other purpose is not authorized by  
38 this section.

1 (5) The board shall develop a means of identification and  
2 verification of optometrists certified to use therapeutic drugs for the  
3 purpose of issuing prescriptions as authorized by this section.

4 (6) Nothing in this chapter may be construed to authorize the use,  
5 prescription, dispensing, purchase, possession, or administration of  
6 any Schedule I or II controlled substance. The provisions of this  
7 subsection must be strictly construed.

8 (7) With the exception of the administration of epinephrine by  
9 injection for the treatment of anaphylactic shock, no injections or  
10 infusions may be administered by an optometrist.

11 (8) Nothing in this chapter may be construed to authorize  
12 optometrists to perform ophthalmic surgery. Ophthalmic surgery is  
13 defined as any invasive procedure in which human tissue is cut,  
14 ablated, or otherwise penetrated by incision, injection, laser,  
15 ultrasound, or other means, in order to: Treat human eye diseases;  
16 alter or correct refractive error; or alter or enhance cosmetic  
17 appearance. Nothing in this chapter limits an optometrist's ability to  
18 use diagnostic instruments utilizing laser or ultrasound technology.  
19 Ophthalmic surgery, as defined in this subsection, does not include  
20 removal of superficial ocular foreign bodies, epilation of misaligned  
21 eyelashes, placement of punctal or lacrimal plugs, diagnostic dilation  
22 and irrigation of the lacrimal system, orthokeratology, prescription  
23 and fitting of contact lenses with the purpose of altering refractive  
24 error, or other similar procedures within the scope of practice of  
25 optometry.

26 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.53 RCW  
27 to read as follows:

28 The optometry board may adopt rules under this section authorizing  
29 an inactive license status.

30 (1) An individual licensed under this chapter may place his or her  
31 license on inactive status. The holder of an inactive license must not  
32 practice optometry in this state without first activating the license.

33 (2) The inactive renewal fee must be established by the secretary  
34 under RCW 43.70.250. Failure to renew an inactive license shall result  
35 in cancellation of the inactive license in the same manner as an active  
36 license.

1           (3) An inactive license may be placed in an active status upon  
2 compliance with rules established by the optometry board.

3           (4) Provisions relating to disciplinary action against a person  
4 with a license are applicable to a person with an inactive license,  
5 except that when disciplinary proceedings against a person with an  
6 inactive license have been initiated, the license will remain inactive  
7 until the proceedings have been completed."

8           Correct the title.

EFFECT: Authorizes the Board of Optometry to adopt rules to allow  
a licensed optometrist to place his or her license on inactive status.

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